

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 22 2008

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte JOSEPH WAYNE FORLER and  
PATRICK JOHN KENNEDY DEIGHAN

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Application 09/758,480

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on March 28, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed December 4, 2006. It is not clear from the record that the Examiner considered or acknowledged the Information Disclosure Statement.

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Further, it should be noted that this Order is a second request, in view of the Order Returning Undocketed Appeal that was December 21, 2006, requesting that the Information Disclosure Statement filed December 4, 2006, be considered and acknowledged.

Consideration and acknowledgment of the Information Disclosure Statement filed December 4, 2006, is required. All correspondence should be forwarded for scanning into the electronic file wrapper.


CONCLUSION

Accordingly, it is

**ORDERED** that the application is being returned to the Examiner for

- 1) consideration and acknowledgment of the Information Disclosure Statement filed December 4, 2006, and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
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DALE M. SHAW  
Chief Appeals Administrator  
(571) 272-9797

DMS/gjh

Application 09/758,480

JOSEPH S. TRIPOLI  
THOMSON MULTIMEDIA LICENSING INC.  
PATENT OPERATION  
TWO INDEPENDENCE WAY  
P.O. BOX 5312  
PRINCETON, NJ 08543-5312